

YOUTH AND TOBACCO IN MISSOURI

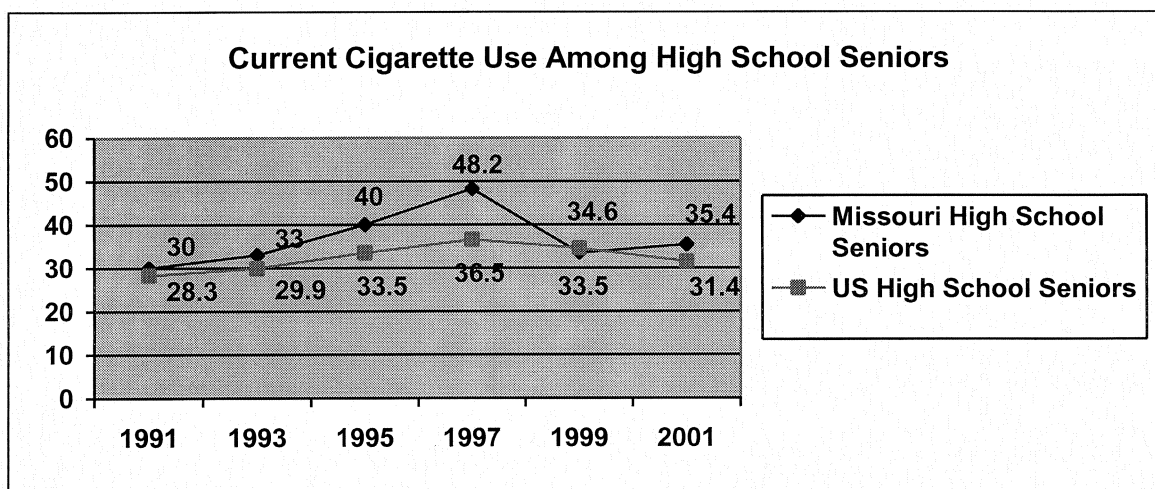
Youth Access Laws

- ***No tobacco sales to persons under age 18:*** Missouri state law prohibits the selling of tobacco products to anyone under the age of 18 years. Merchants are also required to post a state law sign at every tobacco display, including cigarette machines. (*Missouri State Statute 407.926-407.927*)
- ***New State Legislation Effective August 28, 2001:*** New legislation makes the Department of Public Safety—Division of Liquor Control responsible for the enforcement of the state's laws related to the control and sale of tobacco and requires the division to submit an annual report on the effectiveness of cigarette control laws to the General Assembly. By January 1, 2002, vending machines will be required to be equipped with a device that disables them until unlocked by a sales person. Vending machines located in areas where patrons must be over the age of 18 or in places not generally accessible to the general public are exempted from this requirement. In addition, it will be illegal for a person under the age of 18 to purchase, attempt to purchase, or possess tobacco products unless in the course of employment. Persons under the age of 18 will have their tobacco products confiscated. The new law outlines penalties for persons in violation of this provision. Persons who sell cigarettes will be required to have a retail sales tax license and to be registered with the Department of Revenue to sell tobacco products in the state. The Department of Revenue will be required to make available to the Division of Liquor Control and the Department of Mental Health a list of establishments registered to sell tobacco products in the state. (*Missouri State Statute 407.925-407.935*)
- ***Federal Regulation:*** Federal SYNAR regulation, administered by the US Department of Health and Human Services, requires all states to establish laws that make it unlawful to sell or distribute tobacco products to any individual under the age of 18 years and to enforce such laws in a manner that can reasonably be expected to reduce youth access to tobacco products. It also requires states to annually measure compliance through random, unannounced inspections. All states are expected to achieve a violation rate of no more than 20 percent. (42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

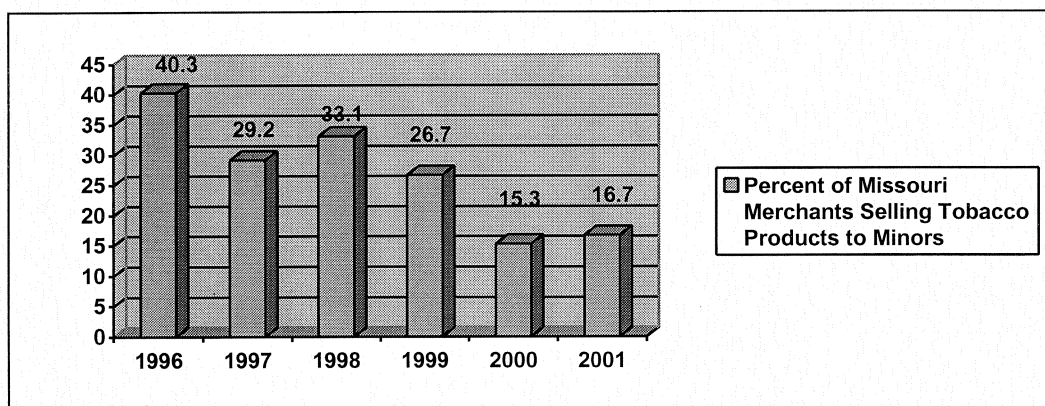
Current Status

- ***Youth Lifetime Use:*** Over 75 percent of Missouri high school students surveyed reported having tried cigarette smoking. (*2001 Youth Risk Behavior Survey*.)
- ***Premature Deaths:*** The CDC projects that 119,057 Missouri youths will die prematurely from their smoking. (*CDC Investment in Tobacco Control State Highlights 2001*).¹
- ***Youth Current Use:*** In 2001, 35.4 percent of Missouri high school seniors reported current use of cigarettes, up somewhat from 33.5 percent in 1999 but down from a high of 48.2 percent in 1997. For most of the 1990's, the rate of current cigarette use among Missouri high school seniors had been considerably higher than the corresponding rate for the nation as a whole. (*2001 Youth Risk Behavior Survey; 2001 Monitoring the Future Survey*)

¹ Centers for Disease Control and Prevention. Investment in Tobacco Control State Highlights 2001. Atlanta, GA http://www.cdc.gov/tobacco/statehi/statehi_2001.htm



- Merchant Compliance:** In 2001, an estimated 16.7 percent of Missouri merchants unlawfully sold cigarettes and smokeless tobacco to individuals under the age of 18 years—up slightly from the previous year's rate of 15.3 percent. This increase was expected, however, due to the change in the ages of the minors used in the inspections. As instructed by the Missouri legislature, no minors under the age of 16 were used in the 2001 inspections. For the past two years, the State has realized a non-compliance rate below the long-term Synar target rate of 20%. The State has used a combination of law enforcement and merchant education activities in order to bring down the non-compliance rate from a high of 40 percent (baseline year) to a rate less than the 20 percent target rate. (*FFY 2002 Substance Abuse Block Grant Application*)



State Initiatives Aimed at Youth Tobacco Access

- Lawsuit against three retailers:** In May 2000, the Missouri Attorney General filed suit against three tobacco retailers (7-Eleven, Walgreen, and Discount Smoke Shop) alleging their rate of sales to minors is well above the state average.² In February 2001, Discount Smoke Shop agreed to pay a civil penalty of \$3,000 and claims for the Attorney General's costs of investigation and prosecution. In June 2001, Walgreen agreed to pay a civil penalty of

² *Nixon sues retail chains to halt tobacco sales to minors.* Office of the Missouri Attorney General. Press Release: May 25, 2000, (last update: May 25, 2000) <http://www.ago.state.mo.us/052500.htm>

\$11,500 to the state and \$34,500 to the state to cover the cost of investigating and prosecuting the case. Included in the judgment and agreement were provisions to 1) implement an employee training program, 2) check IDs for any tobacco purchaser appearing to be under the age of 27, and 3) display signage at all tobacco displays.³ At this time, the case involving 7-Eleven remains unresolved.

- **Law Enforcement Surveillance:** In FFY 2001, the Missouri Department of Mental Health - Division of Alcohol and Drug Abuse (DMH-ADA) contracted with local enforcement agencies to provide enforcement of the State's law prohibiting retail sale of tobacco products to minors. Local enforcement agencies in the following areas were involved in this effort: Kansas City, Poplar Bluff, Independence, St Joseph, St Louis, Springfield, West Plains, Branson, Florissant, and Jefferson City. Surveillance activities were conducted from February 2001 through August 2001. State law and, in some jurisdictions, local ordinances were enforced. A surveillance event was not to exceed one hour, but a tobacco outlet could receive multiple surveillance visits. Surveillances were to be conducted during times when underage tobacco purchases are most likely to occur (i.e. during lunch, after school hours, weekends, etc.) A total of 20 citations and 10 warnings were issued for illegal sale or distribution of tobacco to a minor. A total of 90 citations and 86 warnings were issued for tobacco warning sign violations. A total of 13 warnings were issued for improper location of a vending machine. A total of 3 warnings were issued for failure to verify proof of age. A total of 3 citations and 2 warnings were issued for minor in possession of tobacco. A total of 4 warnings were issued for improper location of a tobacco display. One warning was issued for illegal distribution of free samples of tobacco. One warning was issued for tobacco advertisement violation. DMH-ADA paid \$618,499.50 for these surveillance activities.
- **Portion of Tobacco Settlement Money to go to Tobacco Prevention and Cessation Programs:** The 2001 Missouri legislature agreed on a plan on how to spend the State's tobacco settlement money by approving the Healthy Family Initiative. For FY 2002, \$22.2 million will be allocated for a comprehensive tobacco prevention plan to help communities develop their own anti-smoking education programs and to fund a statewide media campaign against smoking.⁴

Merchant Education Program: During 2001, the Department of Mental Health—Division of Alcohol and Drug Abuse (DMH-ADA) initiated a comprehensive merchant education program that included (*FFY 2002 Substance Abuse Block Grant Application*):

- **Outlet visits:** During the month of February 2001, the DMH-ADA prevention network made phone contact with 5,234 outlets that sell tobacco products. The purpose of these phone contacts was to
 - Provide information regarding the state's law on youth access to tobacco products,
 - Identify outlets that no longer sell tobacco or are out of business, and
 - Update outlet name and address information in the listing of known tobacco outlets maintained by DMH-ADA.

From March 2001 through July 2001, the prevention teams conducted walk-in visits to the previously identified tobacco retailers in the state. In addition, new businesses that

³ *Walgreens to strengthen compliance with law on tobacco sales to minors, will pay \$46K.* Office of Missouri Attorney General. Press Release: June 25, 2001, (last update: June 25, 2001)
<http://www.ago.state.mo.us/062501b.htm>

⁴ *Holden says Tobacco Funds Key to Reducing Smoking in Missouri.* News Release: July 11, 2001
<http://www.gov.state.mo.us/press/press071101.htm>

sell tobacco products were identified and visited. Tobacco retailers received up to five visits during this time period. During these visits, informational brochures, tobacco signs, and calendars were given to employees. In total, 25,225 walk-in visits were conducted in which contact was made with the storeowner, manager, and/or other employees and merchant education materials were distributed. Owner contacts numbered 1,909. Manager contacts numbered 8,197. Over 5,400 outlets received at least one visit. DMH-ADA allocated \$330,000 for merchant education activities including phone calls and walk-in visits.

- **Signage Checks:** From August 23, 2000 to April 6, 2001, five Health Representatives employed with DMH-ADA conducted site visits to the tobacco retailers in the State. During a visit, a check was made to determine if proper signage was displayed as required by the State's law. The inspectors made 2,347 site visits to tobacco retail outlets. Of these visits, 1,248 were found to be non-compliant, 804 were found to be compliant, and 354 were 'unable to complete.' Follow-up letters were mailed to the owners/managers of the establishments. A total of 735 non-compliant and 674 compliant letters were mailed.
- **Youth-Attempt-To-Purchase Checks (includes Synar checks):** Since April 2001, compliance checks are being conducted in which a youth age 16 or 17 attempts to purchase a tobacco product. If the mode of purchase is over-the-counter, the event is considered a successful unconsummated buy if the retail clerk fails to request ID or the age of the youth prior to requesting payment for the tobacco product and fails to deny the sale. If the mode of purchase is vending machine, the event is considered a successful unconsummated buy if the youth is able to insert a quarter into the vending machine and leave the premises without intervention by store employees whereby they request ID or the age of the youth. During these checks, the youth inspectors purchase no tobacco products. If the check results in a successful (unconsummated) buy, the clerk receives a warning card. The check is followed-up by a warning letter to the owner/manager generally within two weeks of the check. If the store employee requests ID and/or the age of the youth, then the store employee is given a congratulatory card. These checks are followed up with a congratulatory letter to the owner/manager of the retail establishment. From April 5, 2001 through July 9, 2001, there were 1,401 checks (including Synar checks.) Of these checks, 245 (17.49%) resulted in the issuance of warning cards. Mailings of the follow-up letter to the owner/manager began on June 6, 2001. During this period, 94 warning letters and 484 congratulatory letters were mailed to tobacco retailers as a result of the checks.
- **Media campaign:** Merchant education using mass media included use of billboards, theatre screens, and radio spots. DMH-ADA purchased use of billboard displays along major highways and interstates throughout the state. Thirty-seven locations were used for the period of July through September 2001. The display featured the message "Under 18? No tobacco. It's the law" in white lettering with a red background. Total investment for the billboard display was \$150,000. Use of theatre screen ads was purchased at \$20,482.50 (including production) for a 10-week run. These theatre screen ads ran in 11 theatres in Kansas City (66 screens), 1 theatre in Sikeston (3 screens), and 12 theatres in the St Louis area (74 screens). Merchant education messages also ran on MissouriNet, a statewide news network covering over 60 radio stations across the state. Investment in radio advertisements was \$85,000.